

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

PAUL ANDREW MITCHELL, )  
a/k/a MITCHELL PAUL MODELESKI, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
NANCY DELL FREUDENTHAL, et al., )  
 )  
Defendants. )

Case No. 14-3460-CV-S-MDH-P

**ORDER DENYING PLAINTIFF'S MOTIONS AND DIRECTING THE CLERK OF THE  
COURT TO RETURN TO PLAINTIFF UNFILED ALL FURTHER DOCUMENTS OTHER  
THAN A NOTICE OF APPEAL**

Upon consideration of the file and records in this case, it is **ORDERED** that:

(1) plaintiff's motion for reconsideration (Doc. No. 13) is denied for the reasons set forth in this Court's November 5, 2014, Order (Doc. No. 4) and because plaintiff's claims pursuant to 31 U.S.C. § 3730 (False Claims Act, which sets out procedures for qui tam actions) concern his federal criminal proceedings and name defendants in the District of Wyoming;

(2) plaintiff's motion for court order for counsel, a hearing, and "Fifth and Sixth Amendments" (Doc. No. 15) is denied as moot;

(3) plaintiff's second motion for reconsideration (Doc. No. 18) is denied because plaintiff must bring any action regarding the conditions of his confinement or challenges to his continued confinement in a new and separate case, not in this action filed pursuant to the False Claims Act;

(4) plaintiff's motion for court order specifying that documents mailed to the court by plaintiff's "next friend" Mr. Larry Saccato be filed (Doc. No. 23) is denied because papers must be filed either by an attorney of record or by a *pro se* party personally, *see* Fed. R. Civ. P. 11(a), and Mr. Larry Saccato is neither an attorney of record nor a party and because, "[a]bsent a local rule authorizing the practice,

facsimile filings in a federal court are dead on arrival,” *McIntosh v. Antonio*, 71 F.3d 29, 34 (1<sup>st</sup> Cir. 1995); *In re Harbaugh*, 301 B.R. 317, 320 (8<sup>th</sup> Cir. BAP 2003) (same), which this Court has not authorized. *See* Local Rule 5.1 (requiring filing by electronic means via CM/ECF only);

(5) plaintiff’s motion for court order (Doc. No. 24) that new defendants and causes of action be added to this case (Doc. No. 24) is denied without prejudice to its reassertion in the District of Wyoming or as a new and separate case in the district in which defendants reside and the claims arose;

(6) plaintiff’s motion for court order (Doc. No. 25) is denied for the reasons stated in Doc. No. 4; and

**(7) the Clerk of the Court is directed to return unfiled any future documents plaintiff seeks to file in this case other than a notice of appeal.**

/s/ Douglas Harpool  
DOUGLAS HARPOOL  
UNITED STATES DISTRICT JUDGE

Springfield, Missouri,

Dated: December 18, 2014.